

No. S226529

JAN 11 2016

IN THE SUPREME COURT OF CALIFORNIA Frank A. McGuire Clerk

Deputy

ASSOCIATION OF CALIFORNIA INSURANCE COMPANIES AND
PERSONAL INSURANCE FEDERATION OF CALIFORNIA,
Plaintiffs and Respondents,

v.

DAVE JONES IN HIS CAPACITY AS COMMISSIONER OF THE CALIFORNIA
DEPARTMENT OF INSURANCE,

Defendant and Appellant.

After A Decision By The Court Of Appeal
Second Appellate District, Case No. B248622
Los Angeles County Superior Court Case No. BC463124
The Honorable Gregory W. Alarcon, Judge Presiding

**ASSOCIATION OF CALIFORNIA INSURANCE COMPANIES AND
PERSONAL INSURANCE FEDERATION OF CALIFORNIA'S
MOTION FOR JUDICIAL NOTICE IN SUPPORT OF THEIR
ANSWER BRIEF ON THE MERITS**

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MOTION FOR JUDICIAL NOTICE

Pursuant to Evidence Code section 451 and California Rules of Court, rule 8.520(g), Respondents Association of California Insurance Companies and Personal Insurance Federation of California (“Respondents”), respectfully request that this Court take judicial notice of the following matters which are referenced in Respondents’ Answer Brief on the Merits and are relevant to the interpretation of Insurance Code section 790.06, *et seq.*, which is critical to the subject of this proceeding.

I. Legislative History

A. Assembly Bill No. 1353

(1) The Department of Finance, Enrolled Bill Report on Assembly Bill No. 1353, October 8, 1971 (1971 Reg. Sess.), which is attached as Exhibit A to the Declaration of Stephen E. Paffrath (“Paffrath Declaration”).

(2) The July 9, 1971 version of Assembly Bill 1353, reflecting prior and amended versions of the Bill (1971 Reg. Sess.), which is attached as Exhibit B to the Paffrath Declaration.

B. Senate Bill No. 1500

(3) The Senate Committee on Insurance, Analysis of Senate Bill 1500 (2000 Reg. Sess.) (April 26, 2000), which is attached as Exhibit C to the Paffrath Declaration.

II. True Significance of Words

(4) The true significance of the English word “administer,” as defined in the American Heritage Dictionary, Second College Edition, 1982, which definition is attached as Exhibit D to the Paffrath Declaration.

The foregoing are appropriate subjects of judicial notice under the California Rules of Court:

- (1) The items are relevant to Respondent's arguments relating to the interpretation of Insurance Code section 790.06 (Cal. Rules of Court, rule 8.252(a)(2)(A));
- (2) The items submitted with this motion are admissible legislative history and evidence of the true significance of English words (Cal. Rules of Court, rule 8.252(a)(2)(C); Evid. Code § 451);
- (3) None of the items submitted with this motion relates to proceedings occurring after the judgment that is the subject of this appeal (Cal. Rules of Court, rule 8.252(a)(2)(D)); and
- (4) the items submitted were not presented to the trial court but were presented to the Court of Appeal and judicial notice was granted. (Cal. Rules of Court, rule 8.252(a)(2)(B).)

DATED: January 11, 2016

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FEDERATION OF CALIFORNIA

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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Pursuant to Rule 8.252(a), and Rule 8.520(g) of the California Rules of Court, Plaintiffs and Respondents Association of California Insurance Companies and Personal Insurance Federation of California (“Respondents”), through their attorney of record, request that the Court take judicial notice of the following matters in support of Respondents’ Answer Brief on the Merits:

1. The Enrolled Report of the Department of Finance on Assembly Bill No. 1353 (1971 Reg. Sess.) (October 8, 1971).
2. The July 9, 1971 version of Assembly Bill 1353, reflecting prior and amended versions of the Bill (1971 Reg. Sess.).
3. The Bill Analysis of Senate Bill 1500 in the Senate Committee on Insurance (2000 Reg. Sess.) (April 26, 2000).
4. The true significance of the English word “administer,” as defined in the American Heritage Dictionary.

Respondents request that this Court take judicial notice of items 1 through 4 in order to aid the Court in its interpretation of Insurance Code section 790.06. Although not offered in the trial court, these items were all granted judicial notice in the Court of Appeal.

II. ARGUMENT

A. ITEMS 1-3 ARE PROPERLY NOTICED DOCUMENTATION OF RELEVANT LEGISLATIVE HISTORY.

The Court may take judicial notice of “[o]fficial acts of the legislative, executive, and judicial departments of the United States or of any state” (Evid. Code § 452, subd. (c).) This includes the legislative history of a bill, such as committee reports and versions of the legislation. (See *Campbell v. Regents of University of California* (2005) 35 Cal.4th

311, 330-331 (considering the prior versions and committee reports related to a bill).)

The enrolled report of the Finance Department to the Governor on Assembly Bill 1531 (Item 1) and the Assembly Amendment to the bill (Item 2) are relevant to the issues because they demonstrate the Legislature's intent to limit the role of the Commissioner.

Further, the Senate analysis of Senate Bill 1500 in the 2000 legislative session (Item 3) is relevant to the issues because it demonstrates the Legislature's continued intent to limit the role of the Commissioner.

B. ITEM 4 IS PROPERLY NOTICED AS INDICIA OF THE TRUE MEANING OF THE ENGLISH WORD "ADMINISTER."

The Court may take judicial notice of "[t]he true significance of all English words and phrases" (Evid. Code § 451, subd. (e).) Dictionary definitions are "the best arbiter of the ordinary and popular meaning, i.e., '[t]he true signification' of the word." *Golden Security Thrift & Loan Assn. v. First American Title Inc. Co.* (1997) 53 Cal.App.4th 250, 256.

Here, the meaning of "administer" is relevant to the issues on appeal as it illustrates the Legislature's intent to limit the Commissioner's authority. A prior version of the Assembly Bill used the term "implement," but the Legislature amended the bill, removing "implement" in favor of "administer." The definition of "administer" elucidates the intent behind this amendment.

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CONCLUSION

For the reasons above, Respondents respectfully request that the Court grant its Motion for Judicial Notice in Support of Respondents' Answer Brief on the Merits.

DATED: January 11, 2016

Respectfully submitted,

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DECLARATION OF STEPHEN E. PAFFRATH

I, Stephen E. Paffrath, declare:

1. I am an attorney with Greenberg Traurig, LLP, attorneys of record for Plaintiffs and Respondents ASSOCIATION OF CALIFORNIA INSURANCE COMPANIES and PERSONAL INSURANCE FEDERATION OF CALIFORNIA. I have personal knowledge of the facts stated in this Declaration and, if called as a witness, could and would testify competently to those facts.

2. The document attached hereto as Exhibit A is a true and correct copy of the Enrolled Report of the Department of Finance on Assembly Bill No. 1353, dated October 8, 1971 (1971 Reg. Sess.), located in the Governor's 1971 Chaptered Bill File.

3. The document attached hereto as Exhibit B is a true and correct copy of the July 9, 1971 version of Assembly Bill 1353, reflecting prior and amended versions of the Bill (1971 Reg. Sess.).

4. The document attached hereto as Exhibit C is a true and correct copy of the Bill Analysis of Senate Bill 1500 in the Senate Committee on Insurance, 2000 Regular Session.

5. The document attached hereto as Exhibit D is a true and correct copy of the definition of "administer" as it is defined and appears in the American Heritage Dictionary, Second College Edition, 1982.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on this 11 th day of January 2016 in Sacramento, California.



Stephen E. Paffrath

EXHIBIT A

ENROLLED BILL REPORT

975
Form BD-44 (Rev. 3-71 2M)

AGENCY DEPARTMENT OF FINANCE	AUTHOR Fenton	BILL NUMBER AB 1353
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SUBJECT:

Authorizes Insurance Commissioner to promulgate rules and regulations to administer provisions relating to unfair practices of insurers.

HISTORY, SPONSORSHIP AND RELATED BILLS:

Sponsored by Department of Insurance (B71-174).

ANALYSIS

1. Specific Findings:

The insurance code sections which define unfair trade practices, which includes misleading advertising, are rather broad and subject to considerable interpretation.

This bill authorizes the Insurance Commissioner to promulgate reasonable rules and regulations necessary to administer the provisions of the existing law.

Fiscal Effect

One time \$1,500 hearing costs.

COMMENDATION

Sign the bill.

DEPARTMENT REPRESENTATIVE <i>[Signature]</i>	DATE 10/27/71	DIRECTOR <i>[Signature]</i>	DATE 10-28-71
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EXHIBIT B

11/20/2011 10:00:00 AM

AMENDED IN SENATE JUNE 23, 1971
CALIFORNIA LEGISLATURE—1971 REGULAR SESSION

ASSEMBLY BILL

No. 1353

Introduced by Assemblyman Fenton

March 30, 1971

REFERRED TO COMMITTEE ON FINANCE AND INSURANCE

An act to add Section 790.10 to the Insurance Code, relating to insurance.

LEGISLATIVE COUNSEL'S DIGEST

AB 1353, as amended, Fenton (Fin. & Ins.): Insurance: unfair practices.

Adds Sec. 790.10, Ins. C.

Authorizes Insurance Commissioner to promulgate rules and regulations to implement administer provisions relating to unfair practices of insurers.

Vote—Majority; Appropriation—No; Fiscal Committee—Yes.

The people of the State of California do enact as follows:

- 1 Section 1. Section 790.10 is added to the Insurance Code,
- 2 to read:
- 3 790.10. The commissioner shall, from time to time as con-
- 4 ditions warrant, after notice and public hearing, promulgate
- 5 reasonable rules and regulations, and amendments and addi-
- 6 tions thereto, as are necessary to implement administer this
- 7 article.

EXHIBIT C

BILL ANALYSTS

SENATE COMMITTEE ON INSURANCE
Senator Jackie Speier, Chair

SB 1500 (Burton) Hearing Date: April 26,

As Amended: March 29, 2000

Fiscal: Yes

Urgency: No

SUMMARY

----- This bill requires an Insurance Commissioner's "order to show cause" to specify the reason why the method of competition is unfair or the act is unfair or deceptive.

DIGEST

----- Existing law

1. Provides that whenever the insurance Commissioner has reason to believe a person transacting insurance engaged in an unfair or deceptive practice that is not defined by a section of law (Ins. Code 790.03), the Commissioner may issue and serve upon that person an order to show cause.
2. Requires the Commissioner's order to show cause to contain a statement of the methods, acts or practices alleged to be unfair or deceptive and a notice of the time and place of the hearing on the matter. The purpose of the hearing is to determine whether the alleged methods, acts or practices should be declared to be unfair or deceptive.
3. Authorizes the Commissioner to examine and investigate the affairs of every person engaged in the business of insurance to determine if the person has engaged in any unfair method of competition or an unfair or deceptive act, either specifically defined in law or otherwise determined in accordance with law.

----- This bill requires the Insurance Commissioner's order to show cause to specify the reason why the method of competition is unfair or the act or practice is unfair or

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deceptive.

COMMENTS

1. Purpose of the bill . The purpose of this bill is to require the Department of Insurance to explain why a practice or act is believed to be unfair or deceptive.
2. Background . Present law defines a set of unfair methods of competition and unfair and deceptive acts or practices in the business of insurance (Section 790.03 of the Insurance Code). These acts include making false or misleading statements, entering into an agreement to commit coercion or intimidation to unreasonably restrain or monopolize the business of insurance, willfully omitting a material fact in the books of the insurer, or committing unfair claims settlement practices. Any person who engages in these defined set of unfair practices is liable for a civil penalty not to exceed \$10,000 per violation if the act is willful.

This bill addresses the authority of the Insurance Commissioner when the Commissioner has reason to believe an unfair or deceptive practice has occurred that is not one specifically defined in Insurance Code Section 790.03. In that instance, the Commissioner may issue an order to show cause upon a person and shall contain a statement of the acts or practices alleged to be unfair or deceptive. That notice must also note the time and place for a hearing to determine whether the alleged acts or practices should be declared unfair or deceptive.

- 3. Does the Bill's Language Need Clarifying?
 The bill requires the order to show cause to specify the reason why the method of competition is unfair or the act or practice is unfair or deceptive. However, under present law, this order to show cause is sent to a person when the Commissioner has "reason to believe" that the person engaged in a method, act, or practice

SB 1500, Page

that is unfair or deceptive. Thus, an order to show cause does not mean that a final determination has been made.

In order to make the bill consistent with existing law, should a clarifying amendment be made that the order must specify the reason why the method of competition is believed to be unfair or the act or practice is believed to be unfair or deceptive? Alternatively, the amendment could read "alleged to be" unfair or deceptive.

- 4. Support . Mercury Insurance Group states there are instances where an order to show cause is sent but there is insufficient information provided for the basis of the order. Mercury points to a case where a departmental auditor saw numerous pieces of correspondence between an insurance company and a claimant, and in all but one piece of correspondence the adjuster correctly identified the insurance company's name. However, due to the one error, the insurance company was fined \$10,000.
- 5. Opposition . None received.

POSITIONS

SUPPORT

Mercury Insurance Group

OPPOSE

None received.

Consultant: Manny Hernandez 445-0825

EXHIBIT D

tion of cyclic AMP from ATP. [ADEN(INE) + -YL + -ATE + CYCL + -ASE.]

adept (ə-dept) *adj.* Highly skilled or proficient. —*n.* (ād-ēpt). A highly skilled person; expert. [Lat. *adeptus*, p. part. of *adipisci*, to arrive at.] —*adv.* *adeptly*. —*n.* *adeptness*.

adequate (ād-ēkwīt) *adj.* 1. Able to satisfy a requirement; suitable. 2. Barely satisfactory or sufficient. [Lat. *adequatus*, p. part. of *adaequare*, to equalize: *ad-*, to + *aequare*, to make equal < *aequus*, equal.] —*ad-equa-cy* (-kwē-sē), *ad-equate-ness* *n.* —*ad-equate-ly* *adv.*

à deux (ā dō) *adj.* Of or involving two individuals, esp. when of a private or intimate nature. —*adv.* Privately with only two individuals involved: *dining à deux*. [Fr.]

adhere (ād-hīr) *intr. v.* *adhered, -hering, -heres*. 1. To stick fast or together by or as if by grasping, suction, or being fused. 2. To be devoted as a follower or supporter. 3. To follow closely; carry out without deviation: *adhere to a plan*. [Fr. *adhérer* < Lat. *adhaerere*, to stick to: *ad-*, to + *haerere*, to stick.]

adherence (ād-hīr-ēns) *n.* 1. The process or condition of adhering. 2. Faithful attachment; devotion.

adherent (ād-hīr-ēnt) *adj.* 1. Sticking or holding fast. 2. *Bot.* Growing or fused together; adnate. —*n.* A supporter, as of a cause or individual. —*adherent-ly* *adv.*

adhesion (ād-hē-zhən) *n.* 1. The act or state of adhering. 2. Attachment or devotion; loyalty. 3. Assent or agreement. 4. A condition in which bodily tissues that are normally separate are joined together. 5. The physical attraction or joining of two substances, esp. the macroscopically observable attraction of dissimilar substances. 6. A fibrous band holding together normally separate anatomical structures. 7. The pathological aggregation of dissimilar body materials to a visceral surface due to inflammation or trauma. [Fr. *adhésion* < Lat. *adhaesio* < *adhaerere*, to adhere.]

adhesiveness (ād-hē-zhēv-ē-sē) *n.* *pl. -ness*. The surgical division of adhesions.

adhesive (ād-hē-sīv, -sīv) *adj.* 1. Tending to adhere; sticky. 2. Gummed so as to adhere. —*n.* An adhesive substance, such as paste or cement. —*adhesively* *adv.* —*adhesiveness* *n.*

adhesive tape *n.* A tape lined on one side with an adhesive.

ad hoc (ād hōk, hōk) *adj. & adv.* For a specific purpose, case, or situation: *ad hoc committee*. [Lat., to this.]

ad hominem (ād hōm-ī-nēm) *adj. & adv.* To the man; appealing to personal interests, prejudices, or emotions rather than to reason: *an ad hominem argument*. [Lat.]

adiabatic (ād-ē-ā-bī-ā-tīk, k'ād-ē-ā) *adj.* Of, pertaining to, or designating a reversible thermodynamic process executed at constant entropy; loosely, occurring without gain or loss of heat. [Gk. *adiabatos*, impassable; *a-*, not + *diabatos*, passable (dia, through + *bataos*, passable < *diabatai*, to go).] —*adiabatically* *adv.*

adieu (ə-dyō, ə-dō) *interj.* Good-by; farewell. —*n.* *pl. adieus* or *adieux* (ə-dyōz, ə-dōz). A farewell. [ME < OFr. *a dieu*, (I commend you) to God: *a-*, to (< Lat. *ad*) + *Dieu*, God < Lat. *deus*.]

ad infinitum (ād īn-fī-nīt-ūm) *adj. & adv.* To infinity; without end; limitless. [Lat.]

ad interim (ād īn-ī-ter-ē-m) *adj. & adv.* In the meantime; meanwhile. [Lat.]

adios (ād-ē-ōs, k'ād-ē-) *interj.* Good-by; farewell. [Sp. *adios*: *a-* to (< Lat. *ad*) + *Dios*, God < Lat. *deus*.]

adipocere (ād-ē-pō-sēr) *n.* A brown, fatty, waxlike substance that forms on dead animal tissues in response to moisture. [ADIP(OSE) + Lat. *cera*, wax.]

adipose (ād-ē-pōs) *adj.* Of or related to animal fat; fatty. —*n.* The fat found in adipose tissue. [NLat. *adiposus* < Lat. *adipex*, lard.] —*adipose-ness*, *adipose-ity* (-pōs-ī-tē) *n.*

adipose tissue *n.* Connective tissue in the body that contains stored cellular fat.

adit (ād-īt) *n.* An almost horizontal entrance to a mine. [Lat. *aditus*, access < *adire*, to approach: *ad-*, toward + *ire*, to go.]

adjacency (ə-jī-sən-sē) *n.* *pl. -cies*. 1. The state of being adjacent; contiguity. 2. A thing that is adjacent.

adjacent (ə-jī-sənt) *adj.* 1. Close to; lying near. 2. Next to; adjoining. [ME < Lat. *adjacens*, pr. part. of *adjacere*, to lie near: *ad-*, near to + *jacere*, to lie.] —*adjacently* *adv.*

adjacent angle *n.* Either of two angles having a common side and a common vertex.

adjectival (ə-jīk-tī-vəl) *adj.* Of, pertaining to, or functioning as an adjective. —*adjectivally* *adv.*

adjective (ə-jīk-tīv) *n.* 1. *Gram.* Any of a class of words used to modify a noun or other substantive by limiting, qualifying, or specifying. 2. *Ling.* Any of a form class distinguished in English morphologically by one of several suffixes, as *-able*, *-ous*, *-er*, and *-est*, or syntactically by position in a phrase or sentence, as *white* in *a white house*. 3. A dependent or subordinate. [ME < OFr. *adjectif* < Lat. *adjectivus* < *adjicere*, to add to: *ad-*, to + *jacere*, to throw.] —*adjectivally* *adv.*

adjective pronoun *n.* *Gram.* A pronoun acting as an adjective, as *which* in *which dictionaries?* or *himself* in *He himself said so*.

adjoin (ə-jōin) *v.* *-joined, -joining, -joins*. —*tr.* 1. To be next to; be contiguous to. 2. To attach to; unite. —*intr.* To

be contiguous. [ME *ajoinen* < OFr. *ajoindre* < Lat. *adjungere*, to join to: *ad-*, to + *jungere*, to join.]

adjoining (ə-jōin-ĭng) *adj.* Neighboring; contiguous; next to.

ad-journ (ə-jūrn) *v.* *-journed, -journaling, -journs*. —*tr.* To suspend until a later stated time. —*intr.* 1. To suspend proceedings to another time or place. 2. *Informal.* To move from one place to another: *adjourned to the living room*. [ME *ajournen* < OFr. *ajourner*: *a-*, to (< Lat. *ad*) + *jour*, day < Lat. *diurnum*.] —*ad-journ-ment* *n.*

ad-judge (ə-jūj) *tr. v.* *-judged, -judging, -judges*. 1. To determine or decide by judicial procedure; adjudicate. 2. To order judicially; rule. 3. To award (damages, for example) by law. 4. To regard, consider, or deem. [ME *ajuger* < OFr. *ajuger* < Lat. *adjudicare*.] —*see ADJUDICATE.*

ad-jud-icate (ə-jūj-ē-ĭ-kāt) *tr. v.* *-cat-ed, -cat-ing, -cates*. To hear and settle (a case) by judicial procedure. [Lat. *adjudicare*, *adjudicari*, to award to (judicially): *ad-*, to + *judicare*, to judge < *judex*, judge.] —*ad-jud-ic-a-tion* *n.* —*ad-jud-ic-a-tive* *adj.* —*ad-jud-ic-a-tor* *n.*

ad-junct (ə-jŭŋkt) *n.* 1. Something attached to another thing but in a dependent or subordinate position. 2. A person associated with another in some duty or service in a subordinate or auxiliary capacity. 3. A word or words added in order to clarify, qualify, or modify other words. 4. *Logic.* A nonessential attribute of a thing. —*adj.* 1. Added or connected in a subordinate or auxiliary capacity: *an adjunct clause*. 2. Attached to a faculty or staff in a temporary or auxiliary capacity. [Lat. *adjunctum* < *adjunctus*, p. part. of *adjungere*, to join to. —*see ADJOIN.*] —*ad-junc-tion* (ə-jŭŋk-tshən) *n.* —*ad-junc-tive* *adj.*

ad-jur-a-tion (ə-jŭr-ā-shən) *n.* An earnest or solemn appeal. —*ad-jur-a-to-ry* (ə-jŭr-ā-tōr-ē, -tōr-ē) *adj.*

ad-jure (ə-jŭr) *tr. v.* *-jured, -juring, -jures*. 1. To command or enjoin solemnly, as under oath. 2. To appeal to or entreat earnestly. [ME *adjuren* < Lat. *adjurare*, to swear to: *ad-*, to + *jurare*, to swear.] —*ad-jur'er, ad-jur'or* *n.*

ad-just (ə-jŭst) *v.* *-justed, -justing, -justs*. —*tr.* 1. To change so as to match or fit; cause to correspond. 2. To bring into proper relationship. 3. To adapt or conform, as to new conditions: *unable to adjust themselves to their environment*. 4. To make accurate by regulation. 5. To decide how much is to be paid on (an insurance claim). 6. To correct (the range and direction of a gun) in firing. —*intr.* To adapt oneself; become suited or fit; conform. [Obs. Fr. *ad-juster* < OFr. *ajuster*: Lat. *ad*, to + Lat. *juxta*, near.] —*ad-just-a-ble* *adj.* —*ad-just-a-ble-ly* *adv.* —*ad-just'er, ad-just'or* *n.*

ad-just-ment (ə-jŭst-mənt) *n.* 1. a. The act of making fit or conformable. b. The condition of being adjusted. 2. A means for adjusting. 3. The settlement of a debt or claim. 4. A modification or correction: *an adjustment on a bill*.

ad-ju-tant (ə-jŭ-tənt) *n.* 1. A staff officer who helps a commanding officer with administrative affairs. 2. An assistant. 3. The marabout. [Lat. *adjutus*, *adjutus*, pr. part. of *adjuvare*, freq. of *adjuvare*, to help: *ad-*, to + *juvare*, to help.] —*ad-ju-tan-cy* (-tən-sē) *n.*

adjutant general (ə-jŭ-tənt-ē-jen-er-əl) *n.* 1. An adjutant of a unit having a general staff. 2. An officer in charge of the National Guard of one of the states of the United States. 3. *Adjutant General.* The chief administrative officer, a major general, of the U.S. Army.

adjutant stork *n.* The marabout.

ad-ju-vant (ə-jŭ-vənt) *n.* 1. A pharmacological agent added to a drug to increase or aid its effect. 2. An immunological agent that increases the antigenic response. [Lat. *adjuvans*, *adjuvans*, pr. part. of *adjuvare*, to help. —*see AID.*]

Ad-ler-i-an (ād-līr-ē-ān) *adj.* Of or relating to a psychological school holding that behavior arises in subconscious efforts to compensate for inferiority or deficiency and that neurosis results from overcompensation. [After Alfred Adler (1870-1937).]

ad lib (ād lib) *adv.* In an unrestrained manner; freely; spontaneously. [Short for AD LIBITUM.]

ad-lib (ād-lib) *Informal.* —*v.* *-libbed, -lib-bing, -libs*. —*tr.* To improvise and deliver extemporaneously. —*intr.* To improvise, as a speech; extemporize. —*n.* Words, music, or actions ad-libbed. —*adj.* Spoken or performed spontaneously. —*ad-lib-ber* *n.*

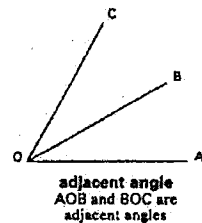
ad lib-it-um (ād lib-ī-təm) *adj.* *Mus.* Performed with freedom. Used as a direction. [Lat. *ad*, to + *libitum*, pleasure.]

ad-man (ād-mān) *n.* *Informal.* A person employed in the advertising business.

ad-meas-ure (ād-mēzh-ər) *tr. v.* *-ured, -ur-ing, -ures*. To divide and distribute proportionally; apportion. [ME *amesuren* < OFr. *amesurer*: *a-* to (< Lat. *ad*) + *mesurer*, to measure.] —*ad-meas-ure-ment* *n.* —*ad-meas-ur'er* *n.*

Ad-me-tus (ād-mē-təs) *n.* *Gk. Myth.* A king of Thessaly and husband of Alcistis. [Lat. < Gk. *Admetos*.]

ad-min-is-trator (ād-mīn-ī-trā-tər) *v.* *-tered, -ter-ing, -ters*. —*tr.* 1. To have charge of; manage. 2. a. To give or apply in a formal way: *administer the last rites*. b. To apply as a remedy: *administer a sedative*. 3. To mete out; dispense: *administer justice*. 4. To manage or dispose of (a trust or estate) under a will or an official appointment. 5. To impose, offer, or tender (an oath, for example). —*intr.* 1. To manage as an administrator. 2. To minister: *administering to their every*



adjacent angle AOB and BOC are adjacent angles

drop / r roar / s sauce / sh ship / t tight / th thin, path / th this, bathe / ū cut / ūr urge / v valve / w with / y yes / z zebra, size /
tion / a about, item, edible, gallop, circus / æ Fr. feu, Ger. schön / ō Fr. tu, Ger. über / KH Ger. ich, Scot. loch / N Fr. bon.

pleasure. [ME *administren* < OFr. *administrer* < Lat. *administrate*: *ad*, to + *ministrare*, to manage.] —*ad-min'is-trat-ble* *adj.* —*ad-min'is-trat-ed* *adj.* & *n.*
ad-min'is-trate (*ad-min'is-trat'*) *tr.v.* -*trat-ed*, -*trat-ing*, -*trate*. To administer.
ad-min'is-trat-ion (*ad-min'is-trat'shan*) *n.* 1. The management of affairs. 2. The activity of a sovereign state in the exercise of its powers or duties. 3. Often Administration. The persons collectively who make up the executive branch of a government. 4. The management of an institution, public or private. 5. The term of office of an executive officer or body. 6. Law. The management and disposal of a trust or estate. 7. The dispensing, applying, or tendering of something, such as an oath, sacrament, or medicine. —*ad-min'is-trat-ive* (*-strat'iv*, *-strat'iv*) *adj.* —*ad-min'is-trat-ive-ly* *adv.*
ad-min'is-trat-or (*ad-min'is-trat'or*) *n.* 1. One who administers, esp. business or public affairs; executive. 2. A person appointed to administer an estate.
ad-mir-a-ble (*ad-mir-a-ble*) *adj.* Deserving admiration; excellent. —*ad-mir-a-ble-ness* *n.* —*ad-mir-a-ble-ly* *adv.*

ad-miral (*ad-mar-al*) *n.* 1. The commander in chief of a navy or fleet. 2. An Admiral of the Fleet. 3. In the U.S. Navy, U.S. Coast Guard, and Royal Canadian Navy: a. An officer of the next-to-the-highest rank. b. A rear admiral. c. A vice admiral. 4. The ship carrying an admiral; flagship. 5. *Chiefly Brit.* The head of a fishing fleet. 6. Any of various brightly colored butterflies of the genera *Limenitis* and *Vanessa*. [ME *amiral* < OFr. < Ar. *amir al-*, commander of.]
Admiral of the Fleet *n.* The highest rank in the U.S. Navy and Royal Canadian Navy, equivalent to General of the Army or field marshal.
ad-miral-ty (*ad-mar-al-ty*) *n., pl. -ties*. 1. a. A court exercising jurisdiction over all maritime cases. b. Maritime law. 2. Admiralty. The department of the British government (Board of Admiralty) having control over naval affairs.
ad-mira-tion (*ad-mir-a'shon*) *n.* 1. A feeling of pleasure, wonder, and approval. 2. An object of wonder; marvel. 3. *Archaic.* Wonder.

ad-mire (*ad-mir'*) *v.* -*mir-ed*, -*mir-ing*, -*mir-es*. —*tr.* 1. To regard with pleasure, wonder, and approval. 2. To have a high opinion of; esteem or respect. 3. *Archaic.* To marvel or wonder at. —*in-tr.* 1. To feel or express admiration. 2. *Regional.* To feel pleasure; be pleased. [Fr. *admirer* < OFr. *amirer* < Lat. *admirari*, to wonder at: *ad-*, at + *mirari*, to wonder < *mirus*, wonderful.] —*ad-mir'er* *n.* —*ad-mir-ing-ly* *adv.*
ad-mis-si-ble (*ad-mis'ib-ol*) *adj.* 1. Capable of being accepted; allowable. 2. Worthy of admission. —*ad-mis'si-ble-ly*, *ad-mis'si-ble-ness* *n.* —*ad-mis'si-ble-ly* *adv.*

ad-mis-sion (*ad-mish'an*) *n.* 1. a. The act of admitting or allowing to enter. b. The state of being allowed to enter. 2. The right to enter; access. 3. The price required or paid for entering; entrance fee. 4. The act or process of acceptance and entry into a position or situation; appointment. 5. A confession of crime or wrongdoing. 6. A voluntary acknowledgment that something is true. 7. A fact or statement granted or admitted; concession. [ME < Lat. *admissio* < *admittere*, to admit.] —*ad-mis-sive* (*-mis'iv*) *adj.*
Usage: *Admission* has a more general meaning than *admittance*, which is used only to denote the obtaining of physical access to a place. To gain *admittance* to a club is to enter its facilities; to gain *admission* to a club is to become a member. One pays *admission* to a theater (i.e., the price of entering) in order to be allowed *admittance* (physical entry to the theater itself).

ad-mit (*ad-mit'*) *v.* -*mit-ed*, -*mit-ing*, -*mits*. —*tr.* 1. To permit to enter. 2. To serve as a means of entrance: *A ticket that admits the whole group.* 3. To permit to join or exercise certain rights, functions, or privileges. 4. To have room for; accommodate. 5. To afford opportunity for; permit. 6. To acknowledge; confess: *admit the truth.* 7. To grant as true or valid, as for the sake of argument; concede. 8. To accept or allow as true or valid. —*in-tr.* 1. To afford possibility; a *problem admitting of no solution.* 2. To allow entrance; afford access: *a door admitting to the hall.* [ME *admitten* < Lat. *admittere*: *ad*, to + *mittere*, to send.]
ad-mit-tance (*ad-mit'ns*) *n.* 1. The act of admitting or entering. 2. Permission to enter; the power or right of entrance. 3. *Elect.* The reciprocal of impedance. —See Usage note at *admission*

ad-mit-ting-ly (*ad-mit'ing-lee*) *adv.* By general admission; confessedly.

ad-mix (*ad-miks'*) *tr.* & *in-tr.v.* -*mix-ed*, -*mix-ing*, -*mix-es*. To mix or blend. [Back-formation < obs. *admixti*, mixed into < Lat. *admixtus*, p.part. of *admixcere*, to mix into: *ad*, to + *miscere*, to mix.]

ad-mix-ture (*ad-miks'chur*) *n.* 1. a. The act of mingling or mixing. b. The state of being mingled or mixed. 2. A combination, mixture, or blend. 3. Something added in mixing.
ad-mon-ish (*ad-mon'ish*) *tr.v.* -*ish-ed*, -*ish-ing*, -*ishes*. 1. To reprove mildly or kindly but seriously. 2. To counsel against something; caution. 3. To point out something forgotten or disregarded, by means of a warning, reproof, or exhortation. [ME *admonishen*, alteration of *amonisten* < OFr. *amonester* < VLat. **admonestare*, var. of Lat. *admonere*: *ad*, to + *monere*, to warn.] —*ad-mon'ish-er* *n.* —*ad-mon'ish-ing-ly* *adv.* —*ad-mon'ish-ment* *n.*

Synonyms: *admonish, reprove, rebuke, reprimand, reproach.* These verbs refer to adverse criticism intended as a corrective. *Admonish* stresses the act of advising or warning so that a fault may be rectified or a danger avoided. *Reprove* usually implies gentle criticism and constructive intent. *Rebuke* refers to sharp, usually angry, criticism, as does *reprimand*, which often also implies an official or otherwise formal act. *Reproach* usually refers to sharp criticism made regretfully or unhappily out of a sense of disappointment.
ad-mon'ish-ment (*ad-mo-nish'ment*) *n.* 1. Mild or kind reproof. 2. Cautionary advice or warning. [ME *amonicioun* < OFr. *amonition* < Lat. *admonitio* < *admonere*, to admonish.]
ad-mon'is-try (*ad-mon'is-try*) *adj.* Expressing admonition.

ad-nate (*ad-nat'*) *adj.* *Blot.* Joined to or fused with another part or organ, as parts not usually united. [Lat. *adnatus*, var. of *agnatus*, connected by birth < *agnasce*, to be born in addition to. —see *AGNATE*.] —*ad-na'tion* (*ad-nat'shan*) *n.*
ad nau-se-am (*ad no'z-um*) *adv.* To the point of nausea; to a disgusting or ridiculous degree. [Lat.]

ad-nex-a (*ad-nex'a*) *n.* Accessory or subordinate anatomical parts, as ovaries and oviducts. [NLat. < Lat. *adnexus*, annexus, p.part. of *annectere*, to bind to. —see *ANNEX*.] —*ad-nex'al* *adj.*

ad-nom'ous (*ad-noun'*) *n.* *Gram.* An adjective, specifically when used as a noun, as in *the bold and the brave*. —*ad-nom'ous-ly* (*ad-nom'ous-lee*) *adv.*

ad-o (*ad-oh*) *n.* Bustle; fuss; trouble; bother. [ME < the phrase *ad do*: *ad*, to + *do*, to do.]

ad-obe (*ad-oh-be*) *n.* 1. A sun-dried, unburned brick of clay and straw. 2. Clay or soil from which adobe is made. 3. A structure built with adobe. —*moistler*, *an adobe house*. [Sp. < Ar. *atoba* < al-*joba*, the brick; *al*, the + *joba*, brick.]

ad-o-les-cence (*ad-l-'es-ens*) *n.* 1. The period of physical and psychological development from the onset of puberty to maturity. 2. A transitional period of development between youth and maturity: *the adolescence of a nation.*

ad-o-les-cent (*ad-l-'es-ent*) *adj.* Of, pertaining to, or undergoing adolescence. —*n.* An adolescent boy or girl, esp. a teen-ager. [ME < OFr. < Lat. *adolescens*, p.part. of *adolescere*, to grow up: *ad*, toward + *alescere*, to grow, inchoative of *alere*, to nourish.]

Ad-o-nai (*ad-nay*, *ad-noy*) *n.* Lord. Used in Judaism as a spoken substitute for the ineffable name of God. [Heb. *adonai*, my lord < Phoenician *adon*, lord.]

Ad-on'is (*ad-on'is*, *ad-on'is*) *n.* 1. *Gk. Myth.* A youth loved by Aphrodite for his striking beauty. 2. Often *adonis*. A young man of great physical beauty. [Gk. *Adonis* < Phoenician *adon*, lord.]

ad-opt (*ad-ohpt'*) *tr.v.* -*adopt-ed*, -*adopt-ing*, -*adopts*. 1. To take into one's family through legal means and raise as one's own child. 2. To take and follow (a course of action, for example) by choice or assent: *adopt a new technique.* 3. To take up and make one's own, as an idea. 4. To take on or assume: *adopted an air of importance.* 5. To vote to accept: *adopt a resolution.* 6. To choose as a standard or required textbook or reference book in a course. [ME *adopten* < OFr. *adopter* < Lat. *adoptare*: *ad*, to + *optare*, to choose.] —*ad-opt'a-ble* *adj.* —*ad-opt'er* *n.* —*ad-opt-ion* *n.*

Usage: One refers to an *adopted* child but to *adoptive* parents.

ad-opt-ee (*ad-ohp'tee*) *n.* One that is adopted.
ad-opt-ive (*ad-ohp'tiv*) *adj.* 1. a. Tending to adopt. b. Characteristic of adoption. 2. Related or acquired by adoption. —See Usage note at *adopt*. —*ad-opt-ive-ly* *adv.*

ad-or-a-ble (*ad-ohr'a-ble*, *ad-ohr'a-ble*) *adj.* 1. *Informal.* Delightful; lovable; charming. 2. *Archaic.* Worthy of worship or adoration. —*ad-ohr'a-ble-ly*, *ad-ohr'a-ble-ness* *n.* —*ad-ohr'a-ble-ly* *adv.*

ad-or-a-tion (*ad-ohr-a'shan*) *n.* 1. The act of worship. 2. Profound love or regard.
ad-ore (*ad-ohr*, *ad-ohr'*) *v.* -*ored*, -*oring*, -*ores*. —*tr.* 1. To worship as divine. 2. To love deeply; revere. 3. *Informal.* To like very much. —*in-tr.* To worship. [ME *adouren* < OFr. *adouer* < Lat. *adorare*, to pray to: *ad*, to + *orare*, to pray.] —*ad-ohr'er* *n.* —*ad-ohr-ing-ly* *adv.*

ad-orn (*ad-ohrn*) *tr.v.* -*orn-ed*, -*orning*, -*orns*. 1. To be a decoration to; lend beauty to. 2. To fit out or decorate with or as if with ornaments. 3. To enhance the distinction, beauty, splendor, or glory of; add luster to. [ME *adornen* < OFr. *adornare* < Lat. *adornare*: *ad*, to + *ornare*, to decorate.] —*ad-ohr'n'er* *n.*

ad-orn-ment (*ad-ohrn'ment*) *n.* 1. The act of adorning. 2. Something that adorns or beautifies; ornament.
ADP (*ad'ep*) *n.* An ester, $C_6H_5N_3O_6P_2$, that is an adenosine derivative formed in cells and converted to ATP for the storage of energy.
ad-rem (*ad rem*) *adj.* Law. To the point; pertinent. [Lat.] —*ad rem* *adv.*
ad-re-nal (*ad-re'nal*) *adj.* 1. At, near, or on the kidneys. 2. Of or pertaining to the adrenal glands or their secretions. —*n.* An adrenal gland. —*ad-re'nal-ly* *adv.*
adrenal cortex *n.* The three-zoned center of the adrenal glands.
adrenal gland *n.* Either of two small dissimilarly shaped endocrine glands, one located above each kidney, consisting



adobe
16th-century church
near Albuquerque, New
Mexico

PROOF OF SERVICE

I, Carol J. Aranda, declare as follows:

I am employed in the County of San Francisco, State of California; I am over the age of eighteen years and am not a party to this action; my business address is 555 Mission Street, Suite 3000, San Francisco, California 94105, in said County and State. On January 11, 2016, I served the following documents:

**ASSOCIATION OF CALIFORNIA INSURANCE COMPANIES AND
PERSONAL INSURANCE FEDERATION OF CALIFORNIA'S MOTION
FOR JUDICIAL NOTICE IN SUPPORT OF THEIR
ANSWER BRIEF ON THE MERITS**

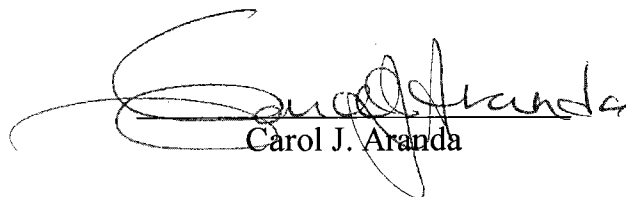
to the persons named below at the address shown, in the manner described:

PLEASE SEE ATTACHED SERVICE LIST



BY MAIL: I placed a true copy in a sealed envelope addressed as indicated above for collection and mailing at my business location, on the date mentioned above, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing with the United States Postal Service. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service in a sealed envelope with postage fully prepaid. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit for mailing contained in the affidavit.

I certify under penalty of perjury that the foregoing is true and correct, that the foregoing document(s) were printed on recycled paper, and that this Proof of Service was executed by me on January 11, 2016, at San Francisco, CA 94105.


Carol J. Aranda

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